

Reauest for Partial "Right-of-Way" Abandonment Narrative: Black Mountain Rd. and N. 81st Street

The Property:

The subject property [216-47-012A] is 8 079 net awes and is located at the SEC of Hayden Rd and Black Mountain Rd. The property is zoned R1-43, is reasonably well vegetated and contains rock out-croppings and boulders (all are less than 20-feet in height). There are no severe slopes. The property gently rises from the NWC to the SEC (about 7-feet). There are no jurisdiction washes.

Proposed "Right-of-Ways" to be Abandoned.

- South 15-feet of the Black Mountain Rd. "Right-of-way" that abuts the subject property.
- West 20 feet of the "Right-of-way" of North 81st Street that abuts the property commencing from a projection of the property's south boundary north for a distance of 445-feet. At this point the area of the "Right-of-Way" that is proposed to be abandoned angles west to meet a point that is 100 feet south of the northeast property boundary.

Purpose of Abandonment:

- To remove surplus "Right-of-way" and add such surplus to the subject property.
- To allow the surplus "Right-of-way" that is added to the property, together with portions of the lots, to be designated as NAOS.
- To help preserve the existing natural streetscape.
- To facilitate sensitive land planning for the proposed 7-lot subdivision.

Proposed Subdivision:

- Proposed subdivision is for 7-lots around a cul-de-sac that is to be a private gated street.
- Entrance is in the center of the frontage to Hayden Rd.
- An outside perimeter 5-foot wide tract that would abut Hayden Rd., Black Mountain Rd., and N. 81st Street is proposed. This tract will be owned by the HOA, be encumbered with a 1-foot wide "No-Vehicle Crossing" easement, and will be designated as NAOS (together with portions of abutting lots). The objective of having the outside tract abutting these streets is to have all lots fronting only to the interior cul-de-sac (no corner lots, no lots with two frontages). The concept is to create a private enclave.
- NAOS is to be located on the outside perimeter of the property. On the property boundaries abutting Hayden Rd. and N. 81st Street the NAOS will be 20-feet wide, and on the boundary abutting Black Mountain Rd. and the south boundary of the property the NAOS is 59-feet wide. A boulder outcropping on the west boundary of the property will be included in the NAOS area.
- Lot widths are 150 feet or more at the measured building line (to accommodate a building width of 95-100 feet and allow side-loading garages). Lot depths are 270 to 300 feet.
- Inside the NAOS area, a three to four foot high decorative perimeter wall is proposed, stucco finish, earth tones, (similar walls are on adjacent property north and west). The wall's height and location will vary with the topography and terrain. The intent is to avoid disturbance of vegetation and boulders as much as is reasonably possible. On top of these walls wrought iron may be added to meet pool security fence requirements. Inside the NAOS and on the building area of lots adjacent to N. 81st Street the stucco wall may be 6-feet in height to provide appropriate privacy and pool security.

Impact Narrative for Abandonment of Easements:

Impact to the City of Scottsdale:

Abandonment of the easements has no impact to the City of Scottsdale

There is surplus "Right-of-way" in the area of both proposed abandonments (as identified by the Transportation Department).

The Water Resources Department was contacted to determine their future intent and/or need to use the area of the "Right-of-Ways" proposed to be abandoned for water distribution or sanitary sewer collection. Their reply was that there are no existing or planned facilities in the portion of "Right-of-Ways" proposed to be abandoned.

Other utility agencies [SRP, APS, Cox Cable, and Black Mountain Gas] were also contacted for the same purpose and all replied that they had no existing or planned facilities in the surplus "Right-of-Ways" proposed to be abandoned. Southwest Gas stated that the property was not in their service area.

Impact to the Neighborhood:

There is no negative impact to the neighborhood for either proposed abandonment.

South 15-feet of Black Mountain Road,

The Transportation Department advises that they propose a stipulation that would accompany approval of the 7-lot subdivision that the south half of Black Mountain Rd. abutting the subject property be paved and curb placed thus completing paving of the street adjacent to the subject property. We are prepared to do this work.

The Transportation Department advises that there is surplus "Right-of-way" in this location. At present the "Right-of-way" has a width of 70-feet. The city standard for this road is a 55-foot Right-of-way", which is the "Right-of-way" width to the east of the subject property.

To the north of this portion of Black Mountain Rd. is a subdivision named "Sandflower". Entrance to this subdivision is from Black Mountain Rd. at N. Sand Flower Road, which road is in the same alignment as N. 81st Street. Improvement to Black Mountain Rd. by completing paving of the section of road abutting the subject property will provide better road access to Sandflower and other properties east on Black Mountain.

East of the subject property an abandonment of the south 15-feet of Black Mountain Rd. for 620-feet was previously approved by City Council on August 12, 1991. (3-AB-91).

The 15-feet proposed to be abandoned will be added to the subject property. A 5-foot wide perimeter tract will be created that will be owned and maintained by a "to-be formed" HOA, will be encumbered with a 1-foot "No-Vehicle Crossing Easement". The 15-foot area proposed to be abandoned will be designated as NAOS together with an additional 35-feet of adjacent lots. Sparsely vegetated areas of the area abandoned will be re-vegetated using plant material from the subdivision's cul-de-sac and building area of lots.

Placement of the NAOS on the outside perimeter of the property in this area will preserve the natural streetscape.

Approval of the proposed abandonment of the south 15-feet of Black Mountain road will not hinder improvement and maintenance of this portion of Black Mountain Rd. or negatively impact the city or the neighborhood.

West 20-feet of N. 81st Street:

The Transportation Department advises that there is surplus of 20-feet on the west side of the "Right-of-Way" for North 81st Street that abuts the subject property. At present the "Right-of-way" has a width of 65-feet. The city standard for this road is a 45-foot "Right-of-way", which is the "Right-of-way" width to the south of the subject property.

A previous abandonment of the east 15-feet of the N. 81st Street "Right-of-way" (south for from the Black Mountain Rd intersection 620-feet) was approved by City Council on August 12th, 1991 (3-AB-91, 91/400326) The applicant was Mr David Mack, owner of the property on the west-side of N. 81st Street immediately east of the subject property. No improvements to either Black Mountain Rd. or N. 81st Street were stipulated as a part of the approval.

The 20-foot area of the proposed 81st Street abandonment is well vegetated and there are numerous boulders, rock outcroppings, and depressions between the rock outcroppings as evidenced by photographs recently taken of the 20-foot area

North 81st Street is unimproved. It is proposed that the existing road-track remain as is. .

The Transportation Department has not suggested improvements for North 81st Street in separate meetings to discuss the subject property, its subdivision, and entrance from Hayden Rd. The subject of improvement to N. 81st Street was not raised at "pre-apps" for the subdivision and abandonment of "Right-of-way".

The Transportation Department requested that we discuss the abandonment with the property owner on the east-side of N. 81st Street (Mr David Mack). We had those discussions and met on site. We identified how we have left the existing mad track from Black Mountain Rd. in place. Mr Mack would like to see N. 81st Street paved in front of the property he owns (620-feet south from Black Mountain Rd). A paved street provides better access, less dust, and higher value. Mr. Mack expressed a desire for the subject property owners to pay for 50% of the improvement cost, and that he would pay 50%, (the east half). Mr Mack expressed that he has had discussions with the Transportation Department about improving N. 81st Street and the mad standard for that improvement

There is a significant saguaro (multi-arm) cactus in the N. 81st Street "Right-of-way". The cactus is located approximately 100-feet south from the Black Mountain intersection and 25-feet east from the subject property's boundaty.

On the east-side of the cactus and for a distance of 175-feet south from the Black Mountain Rd. intersection and in the Tight-of-Way" there is evidence of several hard rock outcmppings. Improvement of this portion of the road likely would require blasting unless there were a road grade change that may not conform to city standards. To complicate the very high potential for needing to blast rock, Black Mountain Gas Co. has a gas line on the east side of the 81st Street "Right-of-way".

Whatever the condition of 81st Street, that condition has existed for many years with no requirement to improve the road, no effort to improve the road, or no contribution to improvement by property owners east and south on N. 81st Street, Whitehorn Rd and Olesen Rd. where there have been lot splits (LS91/218325 (involves Mr. Mack's property and a lot on Black Mountain Rd. [civic address 8185 Black Mountain Rd]), LS 971068812, LS 971476477, LS 98753028, LS 01737335, LS 01737336. These lot splits created 10 lots.

North 81st Street will not be used for access to the proposed subdivision. In fact, this is not a viable or suitable access route due to the terrain and boulders on the west side of the N. 81st Street "Right-of-way" and on the subject property.

The subject property's frontage is Hayden Rd. and this is the location of the entrance to the proposed subdivision.

The subject 8.079-acre property is already encumbered by liens for sewer and water, the total of the two liens is \$33,833.79 by way of Reimbursement Agreements # R9505015 and R9505016 (about \$4,800/lot 17-lots).

The subject property is apparently to be stipulated for completing the south half of Black Mountain Rd. (estimated to be \$18,200 or \$2,800/lot).

A conservative estimate of the cost to improve 620-feet of N. 81st Street to city standards is \$70,000. If the subject property were stipulated for a half-street improvement this may be as much as \$35,000 or \$5,000/lot. The city does not have a method to encumber the property on the east-side of the street (now owned by Mr. Mack) and participation/contribution to the road improvement from that property's owner now or in the future would be voluntary. Also, properties to the south significantly benefit by having most of their road access paid for by someone else.

It would be abundantly unfair and unreasonable to further encumber the subject property with any costs whatsoever related to the improvement of N. 81st Street because such improvements do not benefit the property in any way and only benefits others who created lots in the past (by lot splits) and did not improve the road or make a cash contribution to improvement of the road.

To the south of the subject property is an undeveloped tract [216-47-012B] comprising 10-acres. This property is privately owned and is significantly impacted by a wash that would be in the jurisdiction of the U.S. Army Corp. of Engineers. At present a part of the unimproved road track of N. 81st Street encroaches on this private property. The road-track splits around a rock outcropping. The south-bound road-track is on this private property.

The proposed "Right-of-Way" abandonment does not impact this 10-acre private property.

The 20-feet proposed to be abandoned will be added to the subject property. The above referred to 5-foot wide tract to be created will be in the 20-feet. All of the 20-feet will be designated as NAOS together with an area of proposed Lot 4 containing a rock outcropping.

Placement of the NAOS in this area will preserve the natural streetscape.